

**TEMPORARY DISABILITY  
BENEFITS**

**SELF-INSURED  
PRIVATE PLAN**

New Jersey Department of Labor and Workforce Development  
Division of Temporary Disability Insurance  
Private Plan Operations  
Private Plan Compliance Section  
PO Box 957  
Trenton, New Jersey 08625-0957

(609) 292-2720  
FAX: (609) 292-2537  
[www.nj.gov/labor/tdi/tdiindex.html](http://www.nj.gov/labor/tdi/tdiindex.html)

**STATE OF NEW JERSEY**  
**DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT**  
**Division of Temporary Disability Insurance**  
**Private Plan Compliance Section**  
**PO Box 957**  
**Trenton, NJ 08625-0957**  
**(609) 292-8757**  
**FAX (609) 292-2537**

To the Employer:

Thank you for your inquiry regarding the establishment of a self-insured Private Plan under the New Jersey Temporary Disability Benefits Law.

A self-insured Private Plan is one in which the benefits are provided by the employer alone, rather than by an insurer or union. This Plan, after approval by us, will replace the New Jersey State Plan. It will cover short-term non-work-related disabilities for your New Jersey employees. The Plan will become effective at the beginning of the next calendar quarter following our receipt of your application, unless you wish a later date.

Enclosed are forms, instructions and information for your use in applying for approval of your Plan. The "Items to be Submitted" should be reviewed to determine which forms and other documents will be required for your filing.

The sample "Private Plan Description" is enclosed to aid you in writing the required description of your Private Plan. It describes a Private Plan that matches the New Jersey State Plan in every respect. We require that certain language, definitions, guarantees and appeal rights contained in this document be included in your proposed plan document. If your proposed private plan is more generous than the statutory plan, you can utilize our sample outline and insert your salary continuation schedule in Section 3.

Also enclosed for your information is a copy of the New Jersey Private Plan Claims Manual, which describes important portions of the Law and the claims processing procedures that should be used by you after your Plan is approved. Informational pamphlets and a sample of the claim form used by the State Plan have also been included.

We recommend that you review the enclosed material and complete the application, description, and other documents carefully before submittal to us. Please allow sufficient time for processing. If questions arise, please call us for assistance at (609) 292-8757, fax us at (609) 292-2537, or consult our website at [www.nj.gov/labor/tdi/tdiindex.html](http://www.nj.gov/labor/tdi/tdiindex.html)

Sincerely,  
Ilona Mladenetz, Supervisor

By:   
Peter Clark, Senior Examiner

## ITEMS TO BE SUBMITTED

The following material must be submitted for consideration of a self-insured Private Plan:

- \_\_\_ 1. **Form DP-2, Application for Approval or Modification of Self-Insured Private Plan** - The instruction sheet should be reviewed prior to completing the Application. The earliest effective date we may approve for the Plan is the beginning of the next calendar quarter following our receipt of this application (with certain exceptions). You may request a later date if you wish.
- \_\_\_ 2. **Form DP-1A, Statement of Exclusions Under Proposed Private Plan** - This form must be submitted only if the Private Plan will exclude some employees.
- \_\_\_ 3. **Private Plan Description** - This must be in narrative form, describing the requirements and benefits of the Plan. A sample description is enclosed, containing the recommended statutory language to be used.
- \_\_\_ 4. **Form DP-2A, Statement of Financial Responsibility Under Proposed Private Plan** - Some form of security may be required.
- \_\_\_ 5. **Audited Financial Statement** - This item is required if you wish to be considered for an exemption from posting security based on your financial condition. This Statement is not required if you will be posting security.
- \_\_\_ 6. **Agreement of Indemnity** - If the employer requesting approval is a wholly owned subsidiary which does not have its own audited financial statement, Form DP-2A and the audited financial statement of the parent corporation may be submitted.
- \_\_\_ 7. **Signed Consent of Employees, or Original Election Ballots** - If the Private Plan will be contributory on the part of the employees, this evidence of an election must be submitted. The election must be held prior to the requested effective date of the Private Plan.

## INSTRUCTIONS FOR CLASSES OF EMPLOYEES TO BE COVERED

You must indicate the exact class of employees to be covered under the Private Plan on the "Application for Approval" (Form DP-2), the "Statement of Exclusions" (Form DP-1A), and in the Private Plan description. You may cover all your New Jersey employees, or you may exclude a class or classes of employees. You may not exclude a class determined by age, sex, or race.

If you choose to cover all employees, everyone employed by you in New Jersey will be covered by the plan, whether they are salaried, hourly, permanent, temporary, full-time, part-time, work at one location or several locations, work in one division or several divisions, etc. No New Jersey employees are excluded when your plan states "all employees" are covered.

If you wish to exclude a class or classes of employees from the plan, you must give a definition of that class or those classes.

**EXAMPLE:** An employer wishes to exclude part-time employees working less than 20 hours per week from his plan.

Application for Approval (Form DP-2), item 3(b), would read: "Covers all employees except part-time employees working less than 20 hours per week".

Statement of Exclusions (Form DP-1A), item 3, would read: "Part-time employees working less than 20 hours per week".

The plan description, in the section entitled "Private Plan Coverage", would contain the statement: "This Private Plan covers all employees except part-time employees working less than 20 hours per week".

Classes of employees who are not covered under the Private Plan will be covered under the State Plan, or under another Private Plan if you establish it. For example, if you cover only salaried employees under the Private Plan, the hourly employees will be covered under the State Plan or under another Private Plan.

If you do not intend to employ any other classes of employees other than the class for which you are seeking approval, you may want to write your Private Plan to cover all employees.

## INSTRUCTIONS FOR PRIVATE PLAN DESCRIPTION

Please note that a Private Plan description and a Form DP-2 must be fully completed and the contents must agree, in order for the Private Plan Compliance Section to approve the plan. We recommend the use of statutory language wherever your plan will match the State Plan.

The attached sample "PRIVATE PLAN DESCRIPTION", items 1 through 13, describes a Private Plan that is equal to the New Jersey State Plan in every respect. If this is the type of plan you desire, you may reproduce the sample description on your own stationery and submit it to us for approval as your plan description. If your plan will be more liberal than the State Plan in certain respects, this must be reflected in the plan description as well as in the related questions on the application forms.

See the attached "Instructions for Classes of Employees to be Covered" when completing the section of the description entitled "Private Plan Coverage", item 2.

Under item 3, "Benefits Provided", statutory benefits are described. If the benefits of the plan will be greater than those provided in this description, this section and the related questions on Form DP-2 must reflect the more liberal provisions.

If the employees will not be required to contribute toward the cost of the plan, item 4, "Employee Contributions", should indicate this fact, and Form DP-2, item 4 (c), should be marked "None".

If the plan will not invoke the "Requirements for Entitlement", item 5, please indicate this by stating "None" in this section. Form DP-2, item 6(c), should then be marked "No". For information on the earnings requirements, see the enclosed New Jersey Private Plan Claims Manual, page 15.

If the plan will be liberalized by eliminating some disqualifications, item 9, "Further Limitation of Benefits", should reflect this, and Form DP-2, item 6(b), should be marked "Other".

All other portions of the sample plan description must appear in your Private Plan, since they describe provisions of the Law that are required for approval. Any liberalizations in these areas should be reflected in your description.

Also attached is a sample "Annual Notice to Employees", to be included in the plan material you submit. The notice must agree with the plan description, and should be posted in your place of business. It must be updated annually and a copy sent to the Private Plan Compliance Section.

After your plan is approved, you will receive forms and instructions for Semi-Annual and Annual Reports of Temporary Disability Benefits. These required reports, which request statistical data on the amount of benefits paid under your Private Plan, should be completed and returned to us.

## **PRIVATE PLAN DESCRIPTION**

### **1. Introduction**

This is a statement of the private plan of \_\_\_\_\_ (Name)  
for temporary disability benefits in New Jersey.

### **2. Private Plan Coverage**

This private plan covers all employees of the company and each former employee of the company who has been out of such employment for less than two weeks unless subsequently employed by another covered employer.

### **3. Benefits Provided**

#### **(A) Weekly and Daily Benefit Amounts**

For each period of disability, an employee covered by this private plan shall receive a weekly benefit amount of two-thirds ( $\frac{2}{3}$ ) of the employee's average weekly wage, subject to a maximum of fifty-three percent (53%) of the statewide average weekly remuneration as determined and promulgated annually by the New Jersey Commissioner of Labor pursuant to law, provided, however, that the employee's weekly benefit rate shall be computed to the next lower multiple of \$1.00 if not already a multiple thereof. The amount of benefits for each day of disability for which benefits are payable shall be one-seventh ( $\frac{1}{7}$ ) of the corresponding weekly benefit amount, provided that the total benefits for a fractional part of a week shall be computed to the next lower multiple of \$1.00, if not already a multiple thereof.

#### **(B) Commencement of Benefits**

Benefits under this private plan not in excess of an individual's maximum benefits shall be payable with respect to the eighth consecutive day of disability and each day thereafter that the period of disability continues; and if benefits shall be payable for three (3) consecutive weeks with respect to any period of disability, then benefits shall be payable with respect to the first seven (7) days thereof.

#### **(C) Duration of Benefits**

The maximum total benefits payable to any eligible individual for any period of disability shall be either 26 times his or her weekly benefit amount or one-third ( $\frac{1}{3}$ ) of his or her total wages in his or her base year, whichever is the lesser; provided that such maximum amount shall be computed to the next lower multiple of \$1.00 if not already a multiple thereof.

#### **4. Employee Contributions**

Each employee covered by this private plan may be required to contribute to the cost of benefits in the amount prescribed by law as the amount of worker contribution to the New Jersey State Disability Benefits Fund. The company may collect the required contribution, if any, by deduction from current wages, or in the next succeeding pay period, but may not thereafter collect a contribution with respect to wages previously paid.

#### **5. Requirements For Entitlement**

To be entitled to benefits, the individual must have been in employment with the company or other employers covered under the New Jersey Unemployment Compensation Law. The individual must have established at least 20 base weeks within the base year. In the alternative the individual must have been in such employment and have earned, within the base year, 1,000 times the State minimum wage in effect on October 1 of the previous calendar year raised to the next higher multiple of \$100.00 if not already a multiple thereof.

#### **6. Compensable Disability**

Disability shall be compensable, subject to the limitations of the New Jersey Temporary Disability Benefits Law, where an individual covered by this private plan suffers any accident or sickness not arising out of or in the course of his or her employment or if so arising not compensable under the New Jersey Workers' Compensation Law, and resulting in his or her total inability to perform the duties of his or her employment.

#### **7. Definitions**

**Covered individual** means any person who is in employment as defined by the New Jersey Unemployment Compensation Law, for which he or she is entitled to remuneration from a covered employer, or who has been out of such employment for less than two weeks.

**Wages** shall mean all compensation payable by covered employers to covered individuals for personal services, including commissions and bonuses and the cash value of all compensation payable in any medium other than cash.

**Base week** means any calendar week during which an individual earned, in employment from a covered employer, remuneration equal to not less than 20 times the State minimum wage in effect on October 1 of the previous calendar year raised to the next higher multiple of \$1.00 if not already a multiple thereof.

**Base year** means the 52 calendar weeks preceding the week in which the employee's period of disability commenced.

***Period of disability*** with respect to any individual shall mean the entire period of time, during which he or she is continuously and totally unable to perform the duties of his or her employment, except that two periods of disability due to the same or related cause or condition and separated by a period of not more than 14 days shall be considered as one continuous period of disability; provided the individual has earned wages during such 14 day period with the employer who was his or her last employer immediately preceding the first period of disability.

***Average weekly wage*** means the amount derived by dividing a covered individual's total wages earned from his or her most recent covered employer during the base weeks in the eight (8) calendar weeks immediately preceding the calendar week in which the disability commenced, by the number of such base weeks or by eight whichever is less. If this computation yields a result which is less than the individual's average weekly earnings in employment, as defined in the chapter to which the New Jersey Temporary Disability Benefits Law is a supplement, with all covered employers, during the base weeks in such eight (8) calendar weeks, then the average weekly wage shall be computed on the basis of earnings from all covered employers during the base weeks in the eight (8) calendar weeks immediately preceding the week in which the disability commenced.

***Statewide average weekly remuneration*** means the average weekly remuneration paid to workers by employers subject to this chapter as computed and determined by the Commissioner of Labor on or before September 1 of each year on the basis of 1/52 of the total remuneration reported for the preceding calendar year by employers subject to this chapter, divided by the average of workers reported by such employers.

## **8. Non-duplication of Benefits**

In accordance with the provisions of the New Jersey Temporary Disability Benefits Law, no benefits shall be paid under this private plan for any period with respect to which benefits are paid or are payable under any unemployment compensation or similar law, or under any disability or cash sickness benefit or similar law, of New Jersey or of any other state or of the federal government. Nor shall benefits be paid for any period with respect to which benefits, other than benefits for permanent partial or permanent total disability previously incurred, are paid or are payable on account of the disability of a covered individual under any workers' compensation law, occupational disease law, or similar legislation, of New Jersey or any other state or the federal government.

Where a claimant's claim for compensation for temporary disability, under the provisions of the New Jersey Workers' Compensation Law, is contested and thereby delayed and such claimant is otherwise eligible for benefits under this private plan, said claimant shall be paid the benefits provided by the private plan until and unless said claimant receives compensation under the provisions of the New Jersey Workers' Compensation Law. In the event that workers' compensation benefits, other than benefits for permanent partial or permanent total disability previously incurred, are subsequently awarded for weeks with respect to which the claimant has received disability benefits pursuant to this private plan, the private



plan shall be entitled to be subrogated to such claimant's rights in such award to the extent of the amount of disability payments made hereunder. Disability benefits otherwise required hereunder shall be reduced by the amount paid concurrently under any governmental or private retirement, pension or permanent disability benefit or allowance program to which the individual's most recent employer contributed on his or her behalf.

## **9. Further Limitation of Benefits**

Notwithstanding any other provisions of this private plan, no benefits shall be payable hereunder:

- (a) For the first seven (7) consecutive days of each period of disability, except that if benefits are payable for three (3) consecutive weeks with respect to any period of disability, then benefits shall also be payable with respect to the first seven (7) days thereof;
- (b) for more than 26 weeks with respect to any one period of disability;
- (c) for any period of disability which did not commence while the claimant was a covered individual;
- (d) for any period during which the claimant is not under the care of a legally licensed physician, dentist, optometrist, practicing psychologist, podiatrist, advanced practice nurse or chiropractor, who when requested by the company, shall certify within the scope of his or her practice, the disability of the claimant, the probable duration thereof, and, the medical facts within his or her knowledge;
- (e) (Deleted)
- (f) for any period of disability due to willfully and intentionally self-inflicted injury, or to injury sustained in the perpetration by the claimant of a crime of the first, second, or third degree;
- (g) for any period during which the claimant performs any work for remuneration for profit;
- (h) in a weekly amount which together with any remuneration the claimant continues to receive from the company would exceed his or her regular weekly wages immediately prior to disability;
- (i) for any period during which the claimant would be disqualified for unemployment compensation benefits under the New Jersey Unemployment Law due to a labor dispute, unless the disability commenced prior to such disqualification.

## **10. Claims Procedures**

Benefits under the private plan will be determined and paid to eligible employees and former employees on the basis of the company's employment records by the company's personnel administration. In lieu of which, no later than 30 days after the commencement of the period of disability, the claimant shall furnish to the company a notice and claim for the disability benefits under this private plan.

When requested such notice and proof shall include certification of such disability by the attending physicians or a record of hospital confinement. Failure to furnish notice and proof within the time or in the manner above provided shall not invalidate or reduce any claim if it shall be shown to the satisfaction of the company not to have been reasonably possible.

An employee claiming benefits under this private plan shall, when requested by the company, submit himself or herself at intervals, but not more often than once a week, for examination by a legally licensed physician, dentist, optometrist, practicing psychologist, podiatrist, chiropractor or public health nurse designated by the company, during the duration of the claim.

If a person claiming benefits hereunder is unable to agree with the company as to the benefits hereunder, he or she may, within one year of the date from which benefits are claimed, appeal to the:

Division of Temporary Disability Insurance  
Private Plan Compliance Section  
PO Box 957  
Trenton, New Jersey 08625-0957

## **11. Governing Law**

This private plan and its interpretation and administration shall be governed by the New Jersey Temporary Disability Benefit Law. In the event of ambiguity or conflict, the law will prevail.

## **12. Amendment and Termination**

No reduction in the amount or duration of benefits or increase in the rate of employee contributions shall be made without prior approval of the Division of Temporary Disability Insurance. Approval shall be given if the Division finds that the plan, after such modification, continues to meet the requirements of the act and this chapter and, if the employees are to contribute toward the cost of such modified plan, that a majority of the employees covered by the plan have agreed to the modification by written election (by ballot or otherwise) in accordance with this chapter. The plan shall not be modified without the approval of the Division. This plan may be terminated by the company upon proper notice to the Division.

### **13. Guaranteeing Clause**

The benefits payable to each employee covered under this private plan shall be at least equal, in both weekly amount and duration, to those which would be payable to the employee under the state plan, but for his or her inclusion in this private plan.

## AGREEMENT OF INDEMNITY

Section 43:21-54 of the revised statutes of New Jersey, commonly known as the Temporary Disability Benefits Law, requires that employers operating under a Private Plan pursuant thereto must either file with the Division of Temporary Disability Insurance the bond of an admitted surety insurer conditioned on the payment of obligations under such Private Plan, or deposit securities approved by the Division to secure the payment of such obligations, unless the Division is satisfied as to the permanence of the business and the financial ability of any employer to pay the benefits provided by such a Private Plan, in which case such employer shall be exempt from filing the bond or depositing securities.

Therefore, to secure exemption for its wholly owned subsidiary, \_\_\_\_\_, a corporation of the state of \_\_\_\_\_, the undersigned corporation, namely, \_\_\_\_\_, hereby guarantees any and all payments, sums or benefits, due or to become due, under the said New Jersey Temporary Disability Benefits Law to employees covered under existing or any future self-insured Private Plans of its wholly owned subsidiary, \_\_\_\_\_, effective \_\_\_\_\_.

In witness whereof, the said guaranteeing corporation, namely, \_\_\_\_\_, has caused this agreement to be duly signed and its seal to be hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Corporate Officer of Guarantor

\_\_\_\_\_  
Date

AFFIX SEAL BELOW

## CONSENT OF EMPLOYEES TO SELF-INSURED PRIVATE PLAN

I elect to be covered under my employer's self-insured Private Plan for Temporary Disability Benefits.

I authorize my employer to deduct from my earnings my contribution, which shall not exceed the deduction which otherwise would be made in accordance with the New Jersey Temporary Disability Benefits Law if I were not covered under such Private Plan. The law provides that when a majority of the employees to be covered agree to the Plan, all eligible employees automatically become covered.

Total Number of Employees \_\_\_\_\_

[illegible]

# **ANNUAL NOTICE TO EMPLOYEES**

[Company Name]

## **SELF-INSURED PRIVATE PLAN NOTICE NEW JERSEY TEMPORARY DISABILITY BENEFITS**

Effective January 1, 2006 the maximum weekly benefit amount payable under the New Jersey Temporary Disability Benefits Law is \$488.

In order to be eligible for benefits, an individual must have earned at least \$123 per week in each of at least 20 weeks, or in the alternative have earned a total of at least \$6,200 within the 52 calendar weeks immediately preceding the week in which the employee's period of disability commenced.

The taxable wage base upon which the employee contribution is based is \$25,800.

**This notice is being posted in a conspicuous place. If you are unable to agree with the company about your private plan benefits, you may write to:**

**Division of Temporary Disability Insurance  
Private Plan Compliance Section  
PO Box 957  
Trenton, New Jersey 08625-0957**

*(Note to employer: If your Private Plan is more liberal than the above provisions, this Annual Notice must reflect the more liberal provisions.)*

Department of Labor and Workforce Development  
Division of Temporary Disability Insurance  
Private Plan Compliance  
PO Box 957  
Trenton, NJ 08625-0957

### **Request for Claims Office Information**

The Private Plan Compliance Section, as part of its Approval/Modification process, requests a complete list of all claims offices associated with the Private Plan. You may choose to attach a print-out of the claims offices if one is available or you may list the names, addresses, etc below. If any part of the claim will be reviewed by a third party administrator, please provide that information as well, including name, address, etc.

If at any time there is a change in any claims office information, please notify this office by mail at the above address or by FAX, attention Patricia SanFilippo.

Thank you for your anticipated cooperation.



Ilona Mladenetz, Supervisor  
Division of Temporary Disability Insurance  
Private Plan Compliance  
Contact Person: Patricia SanFilippo  
Ph: (609) 292-6135  
FAX: (609) 292-2537

Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Attach separate sheet(s) as needed.

ORIGINAL  
TO BE SUBMITTED TO THE  
DIVISION OF  
TEMPORARY DISABILITY INSURANCE  
PO BOX 957  
TRENTON, NJ 08625-0957

DP-2 (R-7-04)  
STATE OF NEW JERSEY  
DEPARTMENT OF LABOR  
AND WORKFORCE DEVELOPMENT  
DIVISION OF TEMPORARY DISABILITY INSURANCE  
APPLICATION FOR APPROVAL OR  
MODIFICATION OF SELF-INSURED PRIVATE PLAN

\_\_\_\_\_  
New Jersey Employer Identification No.

\_\_\_\_\_  
Private Plan No.

1. CHECK ONE { ☐ **Approval** is requested for a self-insured Private Plan } to provide New Jersey  
Temporary Disability Benefits  
☐ **Modification** is requested for the self-insured Private Plan indicated above  
effective, \_\_\_\_\_ as described below and in accordance with the details attached for the employees of:

\_\_\_\_\_  
(Employer's name, exactly as registered with the Department of Labor and Workforce Development)

\_\_\_\_\_  
(Telephone No.)

\_\_\_\_\_  
(Employer's Address)

2. All correspondence will be addressed to the following person designated as the authorized representative of the above-named employer:

\_\_\_\_\_  
(Name of authorized representative)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Address of representative)

\_\_\_\_\_  
(Telephone No.)

3. The Plan will cover:

- (a). ☐ All covered employees of the employer. Number of New Jersey employees \_\_\_\_\_  
(b). ☐ Other (describe classes covered) \_\_\_\_\_

If more space is required, attach sheet.

**Form DP-1A must be attached for excluded classes.**

4. The contributions required of employees covered by the Private Plan will be:

- (a). ☐ 0.50% of taxable wages, (statutory taxable wage base)

CHECK ONE { (b). ☐ Other (describe) \_\_\_\_\_

- (c). ☐ None. Employees were informed on \_\_\_\_\_ that no deductions  
would be taken for New Jersey Temporary Disability Benefits.

Method used: 1. ☐ Written Notice 2. ☐ Verbal Notice 3. ☐ Bulletin Board  
Notice

4. ☐ Other \_\_\_\_\_

5. Employees' election: Employees' agreement to establishment or modification of the Plan. (**Required** if employees contribute to the cost of the Plan, unless, in the case of a modification, such modification does not include either a reduction in the amount or duration of benefits or an increase in the rate of employee contributions.)

(a). Date election was held: \_\_\_\_\_

(b). Total number of employees required to contribute to the Private Plan: \_\_\_\_\_

(c). Number of employees in Line (b) agreeing to the Private Plan: \_\_\_\_\_

**The original records of the election are submitted with this application.**

(After being recorded by the Division of Temporary Disability Insurance, they will be returned to the employer, who shall retain them during the existence of the Plan and make them available for inspection by any authorized representative of the Division.)



6. The benefits provided by the Plan, payable in accordance with the details attached, will be as follows: (If more space is required, attach sheet)

(a)	<u>Weekly Rate</u>	(b)	<u>Limitations</u>	(c)	<u>Eligibility Requirement</u>
	<input type="checkbox"/> Statutory	<input type="checkbox"/>	All provided by NJSA 43:21-39 of the NJ Temporary Disability Benefits Law		20 Base weeks or 1000 times the State minimum wage invoked
	<input type="checkbox"/> Other (list) _____	<input type="checkbox"/>	Other		<input type="checkbox"/> Yes <input type="checkbox"/> No

(d) Duration of Benefits. The maximum duration of benefits for any individual will be:

- CHECK ONE { (1) ☐ The lesser of 26 times the weekly benefit amount or 1/3 total wages in base year.  
(2) ☐ 26 weeks for each period of disability.  
(3) ☐ Other (describe ) \_\_\_\_\_

(e) When Benefits commence. Benefits for each period of disability will commence:

- (1) ☐ On the eighth day with respect to either accident or sickness. (Note: If benefits re payable for three or more consecutive weeks then the first seven days become payable.)  
(2) ☐ On the first day with respect to any period of disability.  
(3) ☐ Other (describe ) \_\_\_\_\_

(f) **Guaranteed Minimum Benefits.** Anything in this Plan to the contrary notwithstanding, the benefits payable to any employee for any period of disability commencing while insured hereunder, shall not be less than the employee would have been entitled to receive for such period under Article III of the NJ Temporary Disability Benefits Law, but for the employee's coverage under this Plan.

7. In accordance with the New Jersey Temporary Disability Benefits Law, the undersigned employer agrees to the establishment of the above Private Plan and to pay benefits described in Item 6 and the accompanying details.

(Note: Pursuant to NJAC 12:18-2.9(b), if any employer provides disability benefits through a multi-benefit plan that does not comply with the New Jersey Temporary Disability Benefits Law, the employer shall establish a separate plan, maintained solely for the purpose of complying with the provisions of this law.)

Date Signed: \_\_\_\_\_

Signature: \_\_\_\_\_  
(Employer or Authorized Representative)

Title: \_\_\_\_\_

Must be: (Owner, Partner, or Corporate Officer: Pres., V.P., Secy., Treas.)

Printed Name: \_\_\_\_\_

IF APPROVAL OF A SELF-INSURED PRIVATE PLAN IS BEING REQUESTED,  
THIS FORM MUST BE SUPPLEMENTED BY FORM DP-2A,  
STATEMENT OF FINANCIAL RESPONSIBILITY UNDER PROPOSED PRIVATE PLAN

## INSTRUCTIONS FOR PREPARING FORM DP-2

- NOTE: A. Enter in upper right hand corner the New Jersey employer registration number assigned by the Division of UI/DI Financing.  
B. Enter the Private Plan number only if the application is to modify an existing approved Private Plan.
- Item 1. Enter here the date on which the proposed Private Plan or modification is to be effective. Also enter the name and address of the employer, exactly as registered with the Department of Labor.
- Item 2. Enter the name, address, and telephone number of the individual representing the employer to whom the Division should direct all correspondence.
- Item 3(a). If all employees of the employer covered under the New Jersey Temporary Disability Benefits Law are to be covered by the Private Plan, place a check mark in this space, and enter the number of employees.
- Item 3(b). If some employees covered by the New Jersey Temporary Disability Benefits Law are to be excluded from the Private Plan, place a check mark in this space, describe classes covered, and complete Form DP-1A, Statement of Exclusions Under Proposed Private Plan.
- Item 4(a). Check if contribution rate and taxable wage base are statutory.
- Item 4(b). If this box is checked, insert percentage of taxable wages taken and the wage base used. (*Note: May not be more than taxable wage base, but may be equal to it, or any lesser amount.*)
- Item 4(c). If this box is checked, insert date on which employees were notified that the plan would be noncontributory and check appropriate box 1, 2, 3, or 4.
- NOTE: *No employee shall be required to contribute a greater amount to the cost of a Private Plan than the amount of worker contributions to the State Disability Benefits Fund for individuals covered under the State Plan.*
- Item 5(a). Enter here the date of election.
- Item 5(b). Enter here the number of employees on the date of the election or, if the election took more than one day, the number of eligible employees on the last day.
- Item 5(c). Enter here the number of employees, out of the total shown in Item 5(b), who have consented to this Private Plan.
- Item 6(a). Under Weekly Rate check appropriate box. The term "Statutory" applies to the weekly benefit rate as well as the maximum weekly benefit amount. The maximum weekly benefit amount is set annually by the Department according to Law and may vary year to year. As the figure varies, the Private Plan's maximum weekly benefit amount changes, requiring no further action on the employer's part with respect to this filing.
- Item 6(b). Check appropriate box to indicate whether or not you are using all limitations provided by the NJSA 43:21-39. If all limitations are not invoked check box marked "Other."
- Item 6(c). Check appropriate box. See NJSA 43:21-41(d) of the Temporary Disability Benefits Law.
- Item 6(d). Check appropriate box. See NJSA 43:21-38 of the Temporary Disability Benefits Law.
- Item 6(e). Check appropriate box. See NJSA 43:21-39(a) of the Temporary Disability Benefits Law.
- Item 7. SIGNATURE: This form must be signed by the employer. The space provided for the employer shall contain the signature of (1) the owner, if the employer is an individual; (2) a duly authorized official, if the employer is a partnership or other unincorporated organization; or (3) the president, vice president, secretary, or treasurer, if the employer is a corporation.

**THIS APPLICATION MUST BE ACCOMPANIED BY A DETAILED DESCRIPTION OF THE PLAN.**